

CALIFORNIA STATE PERSONNEL BOARD MEETING
801 Capitol Mall
Sacramento, California

Public Session Location - Room 150
Closed Session Location - Room 141

FULL BOARD MEETING MINUTES

FEBRUARY 2, 1999

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

BOARD MEMBERS PRESENT:

Florence Bos, President
Richard Carpenter, Vice President
Ron Alvarado, Member
Lorrie I. Ward, Member

2. REPORT OF THE EXECUTIVE OFFICER - WALTER VAUGHN

The Board was advised of the following:

- A. The Little Hoover Commission report on the State's Human Resource Program recommends a task force of the interested parties collaborate in the development of reform proposals. The report also identifies principles that could be used to guide the effort.
- B. Armand Burrue1 has transferred to the Board and is now Chief of the Board's Appeals Division.
- C. The Department of Personnel Administration has withdrawn the Administrative Class Broadband proposal.

3. REPORT OF THE CHIEF COUNSEL - ELISE ROSE

The Chief Counsel reported on:

Litigation

- A. SPB v. DPA, et al. - (Challenge to Unit 8 MOU and implementing legislation) We have received opposition papers from the named respondents. SPB's reply will be filed 2/4/99. Hearing is scheduled for 2/19/99.
- B. ALEXANDER v. SPB/CDC - (Challenge to request to file charges process) SPB's respondent's brief is due to be filed in the appellate court this week.
- C. ROE v. SPB/DOJ - Court found that petitioner was not a prevailing party as to the SPB, granted SPB's motion to strike and/or tax costs in its entirety, and denied the petitioner's motion for attorney's fees.
- D. GARCIA v. SPB/CYA - Superior Court overturned Board's precedential decision in this case (SPB Dec. No. 98-04) that had sustained the termination of a Parole Agent I for his off-duty smoking of one marijuana cigarette finding no nexus and abuse of discretion in sustaining termination. Court made no findings as to Skelly violation.
- E. JUE v. SPB/DCA - Superior Court overturned Board's decision sustaining discipline against Special Investigator I employed by DCA who was terminated for insubordination and willful disobedience after refusing to submit a bodily fluid sample for DNA testing finding that the order violated the appellant's right of privacy.

Other

Personnel Issues:

- A. Staff Counsel Paul Kramer has resigned and returned to his former position with the Department of Rehabilitation. Staff Counsel Elizabeth Stein has agreed to work part-time until we refill the position.
- B. Administrative Law Judge Jose Alvarez joined the Board to be honored for his retirement.

4. REPORT ON LEGISLATION - JUDY BALMAIN

The Board was advised of the following:

- A. The Board is responding to department's rebuttals on the Board's proposed legislative package.
- B. The Board is reviewing other department's legislative proposals for impact on the Board's operations.
- C. Last day for introduction of bills is February 26, 1999.

5. HEARING - OFFICE OF THE INSPECTOR GENERAL PROPOSES PRE-EMPLOYMENT DRUG TESTING FOR DEPUTY INSPECTOR GENERAL DEPUTY INSPECTOR GENERAL, SENIOR DEPUTY INSPECTOR GENERAL, IN-CHARGE

Persons Participating:

Patricia Embly, Staff, California State Personnel Board
Solange Brooks, Chief Deputy Inspector General, Office of the Inspector General
Wayne Kurahara, Staff, Department of Personnel Administration
Coleen Kirtlan, Assistant Personnel Manager, Department of General Services

ACTION: On February 2, 1999, Board adopted staff's recommendation (See recommendation page 21)

VOTE: Bos, Carpenter, Alvarado, Ward - Aye.

6. HEARING - THE DEPARTMENT OF WATER RESOURCES PROPOSES TO REVISE AND RETITLE THE CIVIL MAINTENANCE, DEPARTMENT OF WATER RESOURCES (VARIOUS CLASSES) SERIES TO UTILITY CRAFTSWORKER, DEPARTMENT OF WATER RESOURCES; AND TO DESIGNATE THE CLASS AS SENSITIVE UNDER THE PROVISIONS OF 2CCR 213 FOR THE PURPOSE OF PRE-EMPLOYMENT DRUG TESTING.

Persons Participating:

Pat Embly, Staff, California State Personnel Board
Dave Starks, Chief, Delta Field Division, Department of Water Resources
Phyllis Bonilla, Personnel Management, Department of Personnel Administration

ACTION: On February 2, 1999, Board adopted staff's recommendation (See recommendation page 21)
VOTE: Bos, Carpenter, Alvarado, Ward - Aye.

BOARD ACTIONS

7. STATE PERSONNEL BOARD SUMMARY MINUTES OF JANUARY 20, 1999

ACTION: Adopted on February 2, 1999.
VOTE: Bos, Carpenter, Alvarado, Ward - Aye.

8. ACTION ON SUBMITTED ITEMS (See pages 15-17)

9. ADMINISTRATIVE LAW JUDGE CASES

On February 2, 1999, the Board adopted the following decisions presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Bos, Carpenter, Alvarado, Ward - Aye.

CHIEF COUNSEL RESOLUTION

In accordance with Superior Court writs: The decision dated 12/4/96 in the following cases is set aside.

ROBERT A. DEAN, CASE NO. 39259
JOHN C. MISKO, CASE NO. 39278
REGINALD A. PARRA, CASE NO. 39279
RAUL GARCIA, CASE NO. 39262
HAROLD McENROE, CASE NO. 39277
BRUCE FARRIS, CASE NO. 39262

ACTION: Demotions of Dean, Misko, Parra and 60 day suspension of McEnroe are hereby revoked and those appellants are ordered reinstated to their former ranks and positions. Parties may file written argument on or before February 22, 1999 on sole issue of appropriate penalty against Raul Garcia and Bruce Farris. The Board will issue a new decision in the matter of the appeals of Garcia and Farris.

PROPOSED DECISIONS

CLADIS SILVIE, CASE NO. 98-2458
Appeal from dismissal
Department of Corrections

ACTION: Administrative Law Judge's proposed decision rejected by Board. Board to decide case itself.

SHARON EVANS, CASE NO. 98-3874
Appeal from 60 working days suspension
Department of Transportation
ACTION: Suspension Sustained

JOYCE MILAS, CASE NO. 98-3477
Appeal from automatic resignation
Employment Development Department
ACTION: Proposed decision rejected by Board and remanded to
Administrative Law Judge

ANTONIO J. COOK, CASE NO. 98-2488
Appeal from dismissal
Department of Corrections
ACTION: Dismissal Sustained

MICHAEL SAIZ, CASE NO. 98-2142
Appeal from 5 percent reduction in Salary for 6 pay periods
Department of Health Services
ACTION: Reduction in Salary Sustained

GAYLE F. MARTINEZ, CASE NO. 98-3116
Appeal from 1 step reduction in Salary for 12 months
Department of Corrections
ACTION: Reduction in Salary Revoked

CAROLINE LOPES, CASE NO. 98-0741
Appeal from demotion
Department of the Youth Authority
ACTION: Demotion Modified to Official Reprimand

GARY ELLIS, CASE NO. 98-4665
Appeal from 5 percent reduction in Salary for 6 months
Department of Corrections
ACTION: Reduction in Salary Revoked

LANETTE MARTINEZ, CASE NO. 98-4361
Appeal from dismissal
Department of Motor Vehicles
ACTION: Dismissal Sustained

ERIC LIFE, CASE NO. 98-2209
Appeal from 1 step reduction in Salary for 6 months
Department of corrections
ACTION: Reduction in Salary Modified to 1-step for 3 months

JOHN W. CONES, CASE NO. 98-3003

Appeal from dismissal

Department of Corrections

ACTION: Dismissal Sustained

GAYLE L. GRACE, CASE NO. 98-2484

Appeal from rejection

Department of Corrections

ACTION: Rejection Affirmed and Appeal Denied

TIM BUCKINGHAM, CASE NO. 98-3049

Appeal from letter of final decision of discrimination
complaint determination

Department of Justice

ACTION: Appeal Dismissed for Lack of Jurisdiction

ANTONIO J. COOK, CASE NO. 98-0719

Appeal from 30 days suspension

Department of Corrections

ACTION: Suspension Sustained

RUTH ANN CALLAHAN, CASE NO. 98-3310

Appeal from dismissal

Department of Developmental Services

ACTION: Not acted upon

PATRICIA A. DAVENPORT, CASE NO. 97-4251

Appeal from 2-work week suspension

State Personnel Board

ACTION: Suspension Sustained

PETITIONS FOR REHEARING

LEONORA GALANGA CALVIN, CASE NO. 98-0302

Appeal from rejection

Department of Mental Health

Petition for Rehearing Filed by Appellant Denied

FRED N. FOWLER, CASE NO. 98-2195

Appeal from official reprimand

Department of Mental Health

Petition for Rehearing Filed by Appellant Denied

ROBERT O. GREER, CASE NO. 98-2676

Appeal from 5 percent reduction in Salary for 3 months

Department of Corrections

Petition for Rehearing Filed by Appellant Denied

TRINIDAD N. MEDELLIN, CASE NO. 96-1633
TRINIDAD N. MEDELLIN, CASE NO. 97-0006
Appeals from 10 percent reduction in Salary for 3 months and
Dismissal
Department of Transportation
Petition for Rehearing Filed by Appellant Denied

EMIL POLLAK, CASE NO. 98-0256
Appeal from demotion
Board of Equalization
Petition for Rehearing Filed by Appellant Denied

TODD SMITH, CASE NO. 97-2271
Appeal from dismissal
Department of Consumer Affairs
Petition for Rehearing Filed by Appellant Granted

10. RESOLUTION RE NOTICE OF GOVERNMENT CODE SECTION 18671.1
EXTENSION. (See pages 18-20)

11. MISCELLANEOUS APPEALS DIVISION CASES
(Discrimination Complaints, Withholds, Voided Appointments,
Rule 211 Appeals, Petitions for Rehearing)
On February 2, 1999, the Board adopted the following decisions
presented by Laura Aguilera, Acting Chief, Personnel Resources
and Innovative Division, California State Personnel Board.
VOTE: Bos, Carpenter, Alvarado, Ward - Aye.

- A. JEFFREY CLAYWELL, Case No. 98-3009
The appeal of Jeffrey Claywell from the action of the
Department of Mental Health to withhold his name from
certification to the eligible list for Carpenter I.

ACTION: DENIED

- B. GEORGE DRESCHER, Case No. 97-3703
The appeal of George Drescher from the action of the
Department of Corrections to withhold his name from
certification to the eligible list for Parole Agent I,
Adult Parole.

ACTION: GRANTED

- C. DAVID JARDING, Case No. 97-4685

The appeal of David Jarding from the action of the Department of Corrections to withhold his name from certification to the eligible list for Correctional Officer.

ACTION: GRANTED

- D. DOUGLAS LEEPER, Case No. 97-3853
The appeal of Douglas Leeper from the action of the Department of Corrections to withhold his name from certification to the eligible list for Correctional Officer.

ACTION: DENIED

- E. LAUREN STEWART, Case No. 97-3647
The appeal of Lauren Stewart from the action of the Department of Corrections to withhold his name from certification to the eligible list for Correctional Officer.

ACTION: GRANTED

PETITIONS FOR HEARING

- F. MICHELE FANT, Case No. 98-4622
Petition for Rehearing of the appeal of Michele Fant of the decision of the Department of Corrections to withhold her eligibility from the list for Correctional Officer.

ACTION: DENIED

- G. HAROLD HUNT, Case No. 98-4574
Petition for Rehearing of the appeal of Harold Hunt of the decision of the Department of Corrections to withhold his eligibility from the list for Correctional Officer.

ACTION: DENIED

- H. LORNA KIRBY, Case No. 98-4626
Petition for Rehearing of the appeal of Lorna Kirby of the decision of California Department of Toxic Substances Control to deny her appointment to Alternate Salary Range C in the classification of Hazardous Substances Engineer.

ACTION: DENIED

WITHHOLD DENIAL CASES

- * MELINDA M. BACA, Case No. 98-3702
Classification: Cadet, California Highway Patrol
ACTION: DENIED
- * OSCAR V. CERVANTES, Case No. 98-2966
Classification: Correctional Officer
ACTION: DENIED
- * SHEGRUN H. CLAY, Case No. 98-2968
Classification: Correctional Officer
ACTION: DENIED
- * WAYNE D. EASTER, Case No. 98-3692
Classification: Correctional Officer
ACTION: DENIED
- * EDWARD J. ESCALANTE, Case No. 98-2963
Classification: Correctional Officer
ACTION: DENIED
- * BOYD E. GRIMSHAW, Case No. 98-3688
Classification: Correctional Officer
ACTION: DENIED
- * OSCAR P. GUERRERO, Case No. 98-2967
Classification: Correctional Officer
ACTION: DENIED
- * CHERISE JOHNSON, Case No. 98-3790
Classification: Correctional Officer
ACTION: DENIED
- * VERNON E. McBRIDE, Case No. 98-3691
Classification: Correctional Officer
ACTION: DENIED
- * DARRELL A. PERRY, Case No. 98-3689
Classification: Correctional Officer
ACTION: DENIED

DISMISSAL CASE

- * CAROL WHYEL, Case No. 98-2763
Classification: Cadet, California Highway Patrol
ACTION: DISMISSED - Appellant did not confirm
appearance for scheduled hearing.

12. MEDICAL APPEALS

On February 2, 1999, the Board adopted the following decisions presented by Laura Aguilera, Acting Chief, Personnel Resources and Innovation Division, California State Personnel Board.

VOTE: Bos, Carpenter, Alvarado, Ward - Aye.

- A. NICOLE DAVIS, Case No. 98-0763
The appeal of Nicole Davis from the Department of Corrections medically disqualifying her from employment as a Correctional Officer.

ACTION: DENIED

- B. KEVIN L. GRAFF, Case No. 97-5139
The appeal of Kevin L. Graff from the California Department of Highway Patrol medically disqualifying him from employment as a Correctional Officer.

ACTION: DENIED

- C. CORI NOFUENTES-PLITT, Case No. 97-3672
The appeal of Cori Nofuentes-Plitt from the Department of Corrections denial of her reasonable accommodation as an Office Technician.

ACTION: DENIED

- D. FREDDIE LANE , Case No. 98-4849
Psychological disqualification.

ACTION: GRANTED

- E. DENNIS RAMIREZ, Case No. 98-4831
Psychological disqualification.

ACTION: GRANTED

- F. LAMONT CALHOUN, Case No. 98-0861
Psychological disqualification

ACTION: DENIED

DISMISSAL CASES

- * THOMAS HELFRICH, Case No. 98-3952
Classification: Peace Officer I, Department of
Developmental Services.
ACTION: DISMISSED - Appellant withdrew appeal
- * TROY JOHNSON, Case No. 98-4618
Classification: Correctional Officer, Department of
Corrections
ACTION: DISMISSED - Appellant did not confirm
appearance for scheduled hearing.

13. EXAMINATION APPEALS

On February 2, 1999, the Board adopted the following decisions
presented by Laura Aguilera, Acting Chief, Personnel Resources
and Innovation Division, California State Personnel Board.
VOTE: Bos, Carpenter, Alvarado, Ward - Aye.

DISMISSAL CASES

- A. BONNIE HOUSHOLDER, Case No. 97-3846
Final Filing Date: NO BULLETIN IN FOLDER
Examination: NO BULLETIN IN FOLDER
Class: Supervisor of Building Trades
Testing Agency: Department of Corrections
Appeal Received: September 10, 1997
ACTION: DISMISSED - Appellant did not confirm
appearance for scheduled hearing
- B. JAIME D. TURNER, Case No. 98-3293
Final Filing Date: July 3, 1998
Examination: Qualifications appeals (interview
only)
Class: Office Technician(Typing)
Testing Agency: Department of Developmental
Services
Appeal Received: August 17, 1998
ACTION: DISMISSED - Appellant did not confirm
appearance for scheduled hearing
- C. FAIZ U. RAZZAQUE, Case No. 98-3212
Final Filing Date: July 3, 1998
Examination: Qualifications appeals (interview
only)
Class: Office Technician(Typing)
Testing Agency: Department of Developmental
Services
Appeal Received: August 17, 1998

ACTION: DISMISSED - Appellant did not confirm appearance for scheduled hearing

14. REQUEST TO FILE CHARGES CASES

On February 2, 1999, the Board adopted the following decisions presented by Laura Aguilera, Acting Chief, Personnel Resources and Innovation Division, California State Personnel Board.

VOTE: Bos, Carpenter, Alvarado, Ward - Aye.

A. PETITIONER: Joan L. Wolf, a Supervising Registered Nurse I with the California Department of Corrections (CDC).

Issue: Discourteous treatment of an employee.

ACTION: DENIED - Alleged offensive and threatening behavior occurred in the context of the charged party performing a legitimate supervisory role, and was not so offensive as to warrant adverse action.

B. PETITIONER: Michael Noble, a Medical Technical Assistant with the California Department of Corrections (CDC).

Issue: Dereliction of Duty

ACTION: DENIED - Petitioner fails to provide evidence showing deliberate neglect in the processing of his State pay warrant.

C. PETITIONER: Dunshea D. Williams, a candidate for Correctional Officer with the California Department of Corrections (CDC).

Issue: Dereliction of Duty

ACTION: DENIED - Charged party, a background investigator, disclosed false information, but has already received adverse action from the Department.

15. NON-HEARING CALENDAR

On February 2, 1999, the Board adopted items A-B. These items were presented by Laura Aguilera, Acting Chief, Personnel Resources and Personnel Division, California State Personnel Board.

VOTE: Bos, Carpenter, Alvarado, Ward - Aye.

A. EXAMINER IN ELECTROLOGY

The Department of Consumer Affairs on behalf of the Barbering and Cosmetology Program proposes specification revisions to the classification of Examiner in

Electrology. Specifically, the Department proposes to delete reference to the Board of Cosmetology and to read the Barbering and Cosmetology Program; delete obsolete language and add new terminology resulting from programmatic changes; and, a change to the "Desirable Qualifications" portion of the Minimum Qualifications

B. FINANCIAL INSTITUTIONS EXAMINER

The Department of Financial Institutions is proposing to amend the status resolution for the Financial Institutions Examiner class series adopted by the State Personnel Board on September 2, 1998, to clarify the reallocation of incumbents; and to correct the series specification.

16. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

A. CEA POSITION ACTIONS CURRENTLY UNDER CONSIDERATION

- (1) ASSISTANT EXECUTIVE OFFICER, GROUNDWATER MANAGEMENT
The California Regional Water Quality Control Board, San Francisco Bay proposes allocation of one position to the CEA category to perform the duties of the above position.
- (2) CHIEF, STAFF DEVELOPMENT & ADMINISTRATIVE SUPPORT
The Department of Transportation proposes allocation of one position to the CEA category to perform the duties of the above position.
- (3) CHIEF, BUDGET MANAGEMENT BRANCH
The Department of Corrections proposes allocation of one position to the CEA category to perform the duties of the above position.
- (4) CHIEF COUNSEL, UNEMPLOYMENT INSURANCE APPEALS BOARD
The California Unemployment Insurance Appeals Board proposes allocation of one position to the CEA category to perform the duties of the above position.
- (5) DIRECTOR, MANAGEMENT SYSTEMS
The Department of Education proposes allocation of one position to the CEA category to perform the duties of the above position.
- (6) CHIEF, CUSTOMER SERVICE BRANCH

The Department of Motor Vehicles proposes permanent allocation of one position to the CEA category to perform the duties of the above position.

- (7) ASSISTANT SECRETARY, ECONOMIC DEVELOPMENT
The California Trade & Commerce Agency proposes allocation of one position to the CEA category to perform the duties of the above position.
- (8) ASSISTANT DIVISION CHIEF, DIVISION OF CLEAN WATER PROGRAMS
The State Water Resources Control Board proposes allocation of one position to the CEA category to perform the duties of the above position.
- (9) DIRECTOR, GENERAL TAX LAW BUREAU
The Franchise Tax Board proposes allocation of one position to the CEA category to perform the duties of the above position.

ACTION: Noted

A D J O U R N M E N T

SUBMITTED

1. PUBLIC HEARING TO RECEIVE ORAL AND WRITTEN INPUT ON REGULATIONS ON PERSONAL SERVICES CONTRACTS. (Hearing held September 1, 1998.)

NO ACTION

2. DEBORAH STALEY, CASE NO. 97-3226. Appeal from dismissal. Department of Food and Agriculture. (Oral argument held October 6, 1998.)

ACTION: On February 2, 1999, adopted Board decision revoking dismissal.

VOTE: Bos, Carpenter, Alvarado, Ward - Aye.

3. JUDY MCGUIRK, CASE NO. 97-4120. Appeal from dismissal. Department of Developmental Services. (Oral argument held October 6, 1998)

NO ACTION

4. DORIS JONES, CASE NO. 97-5107. Appeal from constructive medical termination. Department of Transportation. (Oral argument held November 5, 1998.)

NO ACTION

5. JESSE BROWN, CASE NO. 98-0384. Appeal from medical termination. Department of General Services. (Oral argument held November 5, 1998.)

NO ACTION

6. ROBERT DAVIS, CASE NO. 97-2572. Appeal from dismissal. Department of Corrections. (Oral argument held November 5, 1998.)

NO ACTION

7. LEANNE R. CALIGIURI, CASE NO. 98-1236. Appeal from dismissal. State Board of Equalization. (Oral argument held December 8, 1998.)

NO ACTION

8. NHUT MING NGUYEN, CASE NO. 98-0304. Appeal from 30 working days suspension. Department of General Services. (Oral argument held December 8, 1998.)

ACTION: On February 2, 1999, adopted Board's decision sustaining suspension.*

VOTE: Bos, Carpenter, Alvarado, Ward - Aye.

9. BARBARA J. RIESS, CASE NO. 98-1004. Appeal from rejection. Department of Corrections. (Oral argument held December 8, 1998.)

NO ACTION

10. EARL T. BRYANT, JR., CASE NO. 98-0849. Appeal from demotion. Department of the Youth Authority. (Oral argument held December 8, 1998.)

ACTION: On February 2, 1999, adopted Board's decision modifying permanent demotion to demotion for 9 months.

VOTE: Bos, Carpenter, Alvarado, Ward - Aye.

11. KEVIN JACKSON, CASE NO. 98-0075. Appeal from dismissal. Department of Mental Health. (Oral argument held December 8, 1998.)

ACTION: On February 2, 1999, adopted Board's decision modifying dismissal to 6 months suspension.

VOTE: Bos, Carpenter, Alvarado, Ward - Aye.

12. SUSAN ALEXANDER, CASE NO. 97-0100. Appeal from constructive medical termination. Department of Fish and Game. (Oral argument held December 8, 1999.)

NO ACTION

*Adopted as Precedential Decision #99-01. [NOTE: Precedential Decisions of the State Personnel Board are published and available by subscription from Continuing Education of the Bar (CEB) in Berkeley. To subscribe, call CEB, toll free, at (800) 924-3924.]

13. ADMINISTRATIVE PROGRAMS "DEEP" CLASSES. (Hearing held December 10, 1999.)

ACTION: On February 2, 1999, the Department of Personnel Administration requested that State Personnel Board withdraw the item.

VOTE: Bos, Carpenter, Alvarado, Ward - Aye.

14. LINDA J. GRIER, CASE NO. 97-3213. Appeal from medical demotion. Department of Health Services. (Oral argument held January 5, 1999.)

NO ACTION

15. CHRISTINE RUELAS, CASE NO. 36860. Appeal from medical termination. State Board of Control. (Written argument presented January 5, 1999.)

NO ACTION

16. CHARLES T. COOK, CASE NO. 97-4596. Appeal from dismissal. Employment Development Department. (Oral argument held January 5, 1999.)

NO ACTION

17. JANET E. MOOREHEAD, CASE NO. 97-1989. Appeal from 60 calendar days suspension. Department of Corrections. (Oral argument held January 5, 1999.)

NO ACTION

18. MICHAEL D. BUNNELL, CASE NO. 96-2675. Appeal for determination of back salary, benefits, and interest after reinstatement. Department of Corrections. (Oral argument held January 5, 1999.)

NO ACTION

NOTICE OF GOVERNMENT CODE § 18671.1 RESOLUTION

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional forty-five days, the Board hereby publishes its substantial reasons for the need for the forty-five day extension for some of the cases now pending before it for decision.

An additional forty-five days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than 6 months as of the date of the Board meeting.

GOVERNMENT CODE § 18671.1 RESOLUTION

WHEREAS, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

WHEREAS, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

WHEREAS, the Agenda for the instant Board meeting included an item titled "Notice of Government Code § 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

WHEREAS, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

* * * * *

I hereby certify that the State Personnel Board made and adopted the
Preceding resolution at its meeting on February 2, 1999.

WALTER VAUGHN
Executive Officer
California State Personnel Board

VOTE: Bos, Carpenter, Alvarado, Ward - Aye.

Item 5 of the Summary Minutes (page 3)
Adopted Recommendation as follows:

1. That the classes of Deputy Inspector General, Deputy Inspector General, Senior and Deputy Inspector General, In-Charge be designated "sensitive" pursuant to California Code of Regulations Section 213, for the purpose of pre-employment drug testing.
2. That the proposed revised specification for the classes of Deputy Inspector General, Deputy Inspector General, Senior and Deputy Inspector General, In-Charge appearing in the Deputy Inspector General series specification shown in the current calendar be adopted.

Item 6 of the Summary Minutes (page 3-4)
Adopted Recommendation as follows:

